

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA BY ATLANTA TAXICAB OWNERS ASSOCIATION, INC. IN THE CASE OF *ATLANTA TAXICAB OWNERS ASSOCIATION, INC. V. CITY OF ATLANTA, GEORGIA.*, SUPERIOR COURT OF FULTON COUNTY, CIVIL ACTION FILE NO. 2004-CV-88173, FOR THE SUM OF \$12,750.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 1A01 (GENERAL FUND), ACCOUNT 529017 (PROPERTY LIQUIDATION) AND CENTER NUMBER T31001 (NON-DEPARTMENTAL); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Atlanta Taxicab Owners Associations, Inc., brought the above-referenced lawsuit against the City of Atlanta alleging various state and federal constitutional claims related to the Bureau of Taxicabs and Vehicles for Hire's imposition of fines against taxicab companies, taxicab drivers and CPNC holders;

WHEREAS, Atlanta Taxicab Owners Association, Inc. also alleged that portions of Atlanta City Code Chapter 162 were unconstitutional;

WHEREAS, Atlanta Taxicab Owners Association appealed a favorable ruling to the City of Atlanta on all of its claims to the Georgia Supreme Court;

WHEREAS, the City Attorney has done extensive review of the facts and the law and has vigorously defended this action; and

WHEREAS, the Georgia Supreme Court has ruled that Atlanta Taxicab Owners Association, Inc. has a justiciable due process claim against the City including but not limited to the count declaring that the residency requirement for CPNC holders is unconstitutional;

WHEREAS, in the opinion of the City Attorney the proposed settlement of the pending claims by the payment of \$12,750.00 is in the best interest of the City, now  
THEREFORE:

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY  
RESOLVES:

Section 1: That the City Attorney is hereby authorized on behalf of the City of Atlanta to settle the claims of Atlanta Taxicab Owners Association, Inc. against the City of Atlanta as set forth in the case in Fulton County Superior Court styled *Atlanta Taxicab Owners Association, Inc. v. City of Atlanta, Georgia*, Civil Action No. 2004CV88173 in the amount of Twelve Thousand, Seven Hundred, Fifty Dollars and Zero Cents (\$12,750.00) from Fund 1A01 (General Fund), Account 529017 (Property Liquidation) and Center Number T31001 (Non-departmental) in full settlement of all claims of the Plaintiff as against the City of Atlanta, its officers and employees, arising out of the incident which was the subject matter of the litigation.

Section 2: THAT in furtherance of said settlement the Chief Financial Officer is authorized to issue the City's check in the sum of Twelve Thousand, Seven Hundred, Fifty Dollars and Zero Cents (\$12,750.00) payable to Atlanta Taxicab Owners Association, Inc. and to charge such amount to Fund 1A01 (General Fund), Account 529017 (Property Liquidation) and Center Number T31001 (Non-departmental).

Section 3: THAT the City Attorney is authorized to enter into and execute on behalf of the City of Atlanta any and all documents, agreements and pleadings necessary to effectuate the settlement as authorized herein.